

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DATE MAILED November 24, 2009**

RCM TECHNOLOGIES, INC.	:	CIVIL ACTION
	:	
v.	:	
	:	
ACE AMERICAN INSURANCE COMPANY :		No. 09-4789

**NOTICE**

This case has been assigned to Judge Anita B. Brody.

**ANY NONGOVERNMENTAL CORPORATE PARTY SHALL FILE FORTHWITH A STATEMENT WITH THE COURT (WITH A COPY TO CHAMBERS) IDENTIFYING ALL ITS PARENT CORPORATIONS AND LISTING ANY PUBLICLY HELD COMPANY THAT OWNS 10% OR MORE OF THE PARTY'S STOCK. A PARTY SHALL SUPPLEMENT THE STATEMENT WITHIN A REASONABLE TIME OF ANY CHANGE IN THE INFORMATION.**

1. A pretrial scheduling conference as described in Fed. R. Civ. P. 16 (a), (b) and (c) and Local R. Civ. P. 16.1 (a) and (b) will be held in chambers on **Wednesday, January 27, 2010** at **4:15 p.m.** Unless otherwise specified, Judge Brody will follow the procedure at the conference as outlined in the federal and local rules.

2. Not later than **3** days prior to the conference, counsel must submit to the court a joint Proposed Discovery Plan under Rule 26(f). Disagreements concerning the timetable of discovery or other discovery-related matters must be highlighted in bold-face type. For assistance in developing the Proposed Discovery Plan counsel shall follow the example set forth in **Attachment A**.

3. Motions to dismiss, transfer, add parties and other threshold motions should be filed, whenever possible, **before** the conference.

4. Prior to the conference, counsel shall evaluate the case for settlement purposes. Plaintiff's counsel shall make a demand on opposing counsel no later than **five days** prior to the conference. Defense counsel shall respond to the demand no later than one day prior to the conference. All counsel shall arrive at the conference with **settlement authority** from the client and arrange for the client to be available by telephone for the duration of the conference.

5. Unless the factual or legal issues are complex, the conference will last approximately thirty minutes. Judge Brody expects trial counsel to attend this conference. If unable

to attend, trial counsel must appoint other counsel familiar with the case and with authority to discuss settlement to attend the conference. Trial counsel shall notify Judge Brody and opposing counsel of a substitute appearance at the earliest possible date.

6. At the conference the following matters will be considered (See Fed. R. Civ. P. 16(b) and (c) and Local R. Civ. P. 16(b)):

- (a) jurisdiction;
- (b) recitation of the facts, claims, and applicable law;
- (c) settlement;
- (d) setting dates for pretrial matters (see **Attachment A**);
- (e) any other matters that may arise.

7. The parties should be prepared at the conference to argue all outstanding motions.

8. In an uncomplicated case, Judge Brody will set the discovery deadline for between 90 and 120 days after the conference. Discovery shall be served, noticed and completed by the discovery deadline. Requests for extension of discovery deadlines or trial pool entry dates must be made by motion or stipulation.

9. All cases that are arbitrated through court-annexed arbitration will be immediately placed in the trial pool.

10. All attorneys appearing before Judge Brody **must be** registered on ECF. All official filings submitted to the Clerk of the Court must be filed directly by the attorney on to ECF. All orders, opinions and other docket entries generated from chambers will likewise be filed directly on to ECF. Notice of these chamber entries will be communicated to counsel either by ECF or ordinary mail.

11. Counsel must submit **TWO courtesy hard copies** to chambers of all papers filed with the clerk. Courtesy copies should include the ECF docket entry number on the first page. Double-sided copies to save paper are encouraged. Note: This requirement also applies in ECF cases.

12. Briefs or memoranda of law filed with the court shall not exceed 50 pages. Substantially less than 50 pages would be appreciated.

13. Your case has been assigned to:

\_ Law Clerk Melissa R. Ginsberg, melissa\_r\_ginsberg@paed.uscourts.gov

\_ Law Clerk Jonathan Kossak, jonathan\_kossak@paed.uscourts.gov

x Law Clerk Danielle Polebaum, danielle\_polebaum@paed.uscourts.gov

14. Counsel are reminded that all submissions given directly to Judge Brody in the courtroom or chambers must also be filed by counsel with the Clerk of the Court to assure proper docketing.

15. Requests to reschedule a conference or other appearance before the court may be made by letter, fax, or email to the law clerk assigned to the case, stating the reasons and noting the agreement or disagreement of all counsel. Counsel must also provide the court with five alternative dates that are acceptable to all parties.

16. Request for a hearing or conference may be made by letter, fax, or email to the law clerk assigned to the case. Counsel must provide the court with five potential dates that are acceptable to all parties.

17. Judge Brody's Policies and Procedures can be accessed via the U.S. District Court's website at **www.paed.uscourts.gov**.

Throughout the course of the litigation, counsel shall provide the courtroom deputy clerk, Jim Scheidt, with current telephone numbers, fax numbers, and email addresses. Judge Brody's fax number is **215-580-2356**.

s/Marie O'Donnell

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Marie O'Donnell  
Civil Deputy/Secretary to  
Judge Anita B. Brody

xc: William R. Herman, Esq. - via ECF  
Ralph A. Jacobs, Esq. - via ECF  
Patricia Fecile-Moreland, Esq. - via ECF

**Civil Action No.** \_\_\_\_\_ **Jury Trial** \_\_\_\_\_ **Bench Trial** \_\_\_\_\_

**Arbitration** \_\_\_\_\_

**Caption:** \_\_\_\_\_

**Trial Time Estimates:** Time to present your case \_\_\_\_\_

Time for entire trial \_\_\_\_\_

**Attachment A - Proposed Discovery Plan Under Rule 26(f)**

## **I. Rule 26(a) Disclosures**

Counsel anticipate completing the self-executing disclosures on \_\_\_\_\_, as required by Rule 26(a).

## **II. Discovery Subjects**

(A) Counsel agree that unless otherwise stipulated by the parties or ordered by the court, discovery shall proceed in accordance with the Federal Rules of Civil Procedure. This includes the amendments to the Federal Rules regarding electronic discovery effective December 1, 2006. If the parties agree to modifications to this default position, please list:

(B) Counsel agree that the subjects for discovery include:

(C) Counsel anticipate that the following depositions will be necessary (identify parties if known at this point):

### III. Pretrial Timetable

(A) The Court will enter the default scheduling order, a copy of which is attached as **Attachment B**, unless the parties request an alternate discovery schedule. The parties request a close of discovery date of

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(B) Counsel may set forth below an alternative proposed scheduling order if agreed to by all parties. Counsel should use dates certain rather than contingent dates; if a date is difficult to specify, counsel should estimate it to the best of their ability.

#### **IV. Alternative Dispute Resolution**

(A) type of ADR, settlement conference etc.

(B) timing of ADR

(C) unless otherwise recommended, a settlement conference will be scheduled upon the close of all discovery.

#### **V. Other Pretrial Issues**

(e.g. protective orders, etc.)

Signed,

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Counsel for Defendant

**Attachment B - Default Scheduling Order**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

**IT IS ORDERED** as follows:

1. Pretrial timetable:

- All discovery shall be completed by \_\_\_\_\_.
- Plaintiff's expert reports due **[4 weeks before close of discovery (COD)]**; Defendant's reports due **[2 weeks before COD]**; depositions of all experts to be completed by: **[COD]**.
- Dispositive motions due normally **[2 weeks after COD]**.
- Exchange of exhibits due **[4 weeks after COD]**.
- Plaintiff's pre-trial memorandum due: **[4 weeks after COD]**.
- Defendant's pre-trial memorandum due: **[6 weeks after COD]**.
- All motions in limine due: **[6 weeks after COD]**.
- Pre-trial hearing, such as Markman or Daubert, will be scheduled if needed.
- After all dispositive motions have been decided or the time for filing dispositive motions has elapsed, the parties will be given notice of a Final Pre-Trial Conference.

2. This case will be placed into the trial pool on **[30 days after dispositive motions are due]** or as soon thereafter as all dispositive motions have been decided.

3. Unless the parties agree to another form of ADR, they shall schedule a settlement conference before United States Magistrate Judge David Strawbridge on or about **[COD]**. Judge David Strawbridge will require that lead counsel and parties with full settlement authority attend the conference.